



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009



In Reply Refer To:
1-6-04-NTP-588

APR 30 2004

Subject: Changes to the Delhi Sands Flower-Loving Fly Recommended Survey Guidelines

Dear Permittees:

Last year, in a letter dated June 25, 2003, we, the U.S. Fish and Wildlife Service (Service), changed the recommended start date for presence/absence surveys for the Delhi sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*; "fly") from August 1 to July 15 for the 2003 flight season. This letter is to inform you that we are modifying the start date for the Delhi sands flower-loving fly survey season to July 1. This change is based on previous years of observation resulting in what we consider the best available scientific information. This letter also serves as a reminder of your pre- and post-survey reporting responsibilities.

I. Survey Season

The 2003 survey season start date changed because in 2002, flies were reported as early as July 1. Although the drought conditions of 2002 may have caused the flight season to start unusually early, multiple fly observations on initial surveys during previous years, under similar environmental conditions, suggest that our former recommended start date of August 1 may be too late in the flight period. Survey results from the early part of the 2003 flight season confirmed that adult flies are active prior to August 1. We had at least 10 observations of individual flies between July 15, 2003, and August 1, 2003. Therefore, we now recommend that presence/absence surveys start July 1, and end September 20.

We will be issuing new survey guidelines prior to the 2004 flight season, and distributing them to all permittees and jurisdictions where Delhi soils occur. We recommend that you request authorization for any guideline deviations at least 2 weeks prior to survey implementation, and advise you to closely adhere to the terms and conditions of your permit regarding variations in methodology.

II. Reporting Requirements

Because surveys for the fly may result in "take," surveyors should obtain authorization from the Service to avoid a violation of section 9 of the Endangered Species Act of 1973 (et seq.). Typically, we authorize surveys through the recovery permit process under section 10(a)(1)(A) of



the Endangered Species Act. Special terms and conditions addressing specific activities that may be conducted are attached to the recovery permit. You, the permittee, and every person included on your "List of Authorized Individuals" (List), shall follow all of the terms and conditions included in the permit for respective activities. We recommend that you ensure that everyone on the List reviews the permit before the start of each survey season. Additionally, you are required to submit all necessary reporting documents to our office. With this letter, we wish to call your attention specifically to the pre-survey and post-survey reporting requirements for the fly.

Pre-Survey Notifications:

For tracking all fly activities that are conducted during each flight season and to avoid duplication of survey activities, all pre-survey notifications for conducting fly activities pursuant to your recovery permit must be received in writing by the Carlsbad Fish and Wildlife Office (CFWO), 6010 Hidden Valley Road, Carlsbad, California 92009, at least 10 days prior to commencing such activities (or as soon as you are notified by the contractor prior to the season). Please remember that the following information should be included in all pre-survey notifications: 1) an explanation of the purpose of the study and a clear description of methods, including the names of field personnel, their recovery permit number, the extent of area surveyed, and the number and dates of surveys; 2) the number of acres proposed to be surveyed; and 3) at a minimum, a non enlarged, 1:24,000 scale U.S. Geological Survey (USGS) topographic map (quad) depicting the location of the survey site(s). Please include the County and quad name on the map.

If any deviation to fly activities as specified in the terms and conditions of your permit or the survey guidelines for the fly are anticipated, you should document these deviations in your pre-survey notification. Written approval from our office should be obtained to ensure that proposed deviations are approved and that your final "45-day" survey report will be accepted. Please keep in mind, that "non-survey" monitoring activities that may result in take of the fly are not authorized unless a detailed proposal is submitted by the permittee and approved in writing by our office.

45-day Survey Reporting:

The permittee shall implement all of the actions included in the *U.S. Fish and Wildlife Service General Survey Guidelines for the Delhi Sands Flower-loving Fly* (Guidelines; revision pending), including the submission of a written report summarizing the data from the fly surveys performed under this permit. This report is to be sent to the CFWO within 45 calendar days after completing the last field visit of the season at each project site. Each report should include all of the specific reporting requirements as specified in the survey guidelines. Additionally, all post-season 45-day reports must include a signed affidavit from all contributing permittees confirming that their data was accurately incorporated.

We also request that you specify names and permit numbers of all individuals who conducted permitted fly activities in relation to indicated hours of survey activity. If supervised individuals are obtaining field experience while accompanying independently authorized individuals, please include names, specific dates, and hours in the report. Survey reports that do not contain all of the information as required may not be accepted by the Service, and may affect the future status of your permit. The two most common deficiencies include the following: 1) inadequate USGS topographic maps that are not to scale, do not include the quad name, or do not include a clear depiction of positive documented sightings of the fly (without the submission of clear and adequate maps, we are unable to accurately enter data into our GIS database); and 2) lack of specific required reporting information, including the start and stop times of each survey day, size and quality of habitat surveyed, and air temperature and wind conditions.

We require that permittees submit clear and adequate information to the Service. The information that you provide in your survey reports serves an important role in the recovery of the species. Therefore, we will be reviewing all reports for compliance with the terms and conditions of your recovery permit and survey guidelines.

Additionally, it is your responsibility to ensure that everyone on your List understands and follows the conditions of your permit. Failure of any member on the List to follow permit conditions may result in suspension or revocation of the permit. If you have any questions about this letter or any part of the permit process, please contact Daniel Marquez, the Recovery Permits Coordinator, at 760-431-9440 (ext. 225), or Joel (Jeep) Pagel, Division Chief of Listing and Recovery (ext. 277).

Sincerely,

A handwritten signature in black ink, appearing to read "Jim A. Bartel". The signature is stylized with a large initial "J" and a long horizontal stroke extending to the left.

Jim A. Bartel
Field Supervisor